

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-44 and 46 were pending in the application. Claims 42-44 have been canceled without prejudice.

In the Office Action, the Examiner objected to claim 43 under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants canceled claim 43. Withdrawal of the objection is respectfully requested.

In the Office Action, claims 14 and 19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully traverse the rejection. In particular, the Examiner wrote that it was not understood how the computer system could automatically obtain and store digital content as these processes would require a finite amount of time (Office Action, p. 2, point 5, second paragraph, line 1 – p. 3, line 3). However, whether it requires a finite amount of time to acquire and store the digital content is irrelevant to automatically obtaining and storing the digital content. Automatically obtaining and storing the digital content is not about how much time it takes to acquire and store the digital content. Automatically means operating in a manner essentially independent of external influence or control (Webster's II New College Dictionary, 2001). Therefore, claims 14 and 19 particularly and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully request the Examiner to withdraw the rejection.

In the Office Action, the Examiner rejected claims 1, 3-6, 9, 14, 16-19, 21-25, 28, 29, 34, and 36-41 under 35 U.S.C. §103(a) as being unpatentable over Lee (U.S. Patent No. 6,728,531; hereinafter, "Lee" in view of Haartsen). As discussed in the Examiner interview on March 17, 2005, Applicant respectfully disagrees for the following reasons.

Claim 1 is as follows:

An automotive storage and playback device for coupling to an automobile comprising:

a first wireless transceiver to receive digital content automatically from a computer system via a wireless local area network based on user defined preferences input into the computer system, the first wireless transceiver communicably coupled to the wireless local area network when the first wireless transceiver is within range of a second wireless transceiver associated with the computer system, wherein the computer system is located externally and remotely with respect to the automobile and obtains at least a portion of the digital content while the first wireless transceiver is outside the range of the second wireless transceiver; and

a converter to convert the digital content to be sent to and played on an output device in the automobile.

The present invention as claimed above sets forth an embodiment in which the computer system obtains content and has a scheduled delivery to a wireless transceiver in the automobile.

The computer system obtains at least part of content when the automobile is not present. The computer system downloads the content to the automobile when the automobile's transceiver is within range. That is, a portion of the content is obtained while the automobile is not in range. Note that the digital content is the type that is "played on an output device" as set forth in the claim language.

Lee discloses configuring a wireless communication device. This configuration is through remote programming. The remote programming is performed by remote programming devices and used for setting the formats by which the remotely programmable multimedia/navigation device 20 plays content. The remote programming is done by remote programming devices 40. Once programmed, the remotely programmable multimedia/navigation device 20 downloads the content from the Internet 60. Respectfully, while programming device 40 programs the multimedia device 20, the information it sends to device 20 is not based on user preferences programmed into itself. Programming device 40 merely tells the multimedia device 20 how to format its communication channels and then multimedia device 20 uses Internet gateway 30 to download content (not the local area network).

At column 7, lines 4-27, Lee does disclose downloading compressed audio files or other large data files into multimedia device 20 using a wireless device 70. However, there is no disclosure that this downloading is based on user preferences on a remote programming device 40. Furthermore, as discussed above, the claim requires caching by the computer system since part of the downloading occurs when the automobile is out of range. That is not a requirement of Lee. In fact, there is nothing in Lee that states that remote programming device 40 caches any content. It may merely be a pass-through device. Also, there is nothing in Lee that sets forth that downloading by the wireless transceiver of compressed and data files is done based on user defined preferences at the remote programming devices 40.

The Examiner states that Lee does not teach automatic content delivery. Applicant agrees with this. Lee programs multimedia device 200 and the Internet gateway 60 downloads the content. The Examiner believes Haartsen can be combined with Lee because Haartsen discloses that automatic synchronization between two computer systems. However, there is nothing in Lee that talks about the need for automatic synchronization or the need for automatic synchronization between two devices such as remote programming device 40 and multimedia device 20. Thus, there is no motivation to combine Lee and Haartsen.

Moreover, although Haartsen mentions the term “automatic synchronization”, there is no disclosure in Haartsen as to what is entailed in the automatic synchronization. More specifically, there is no disclosure how to undertake it and no guarantee that it would work to achieve the same content downloading set forth by present invention as claimed. For example, many synchronization techniques deal with examining file names, and based on the presence or absence of file names, the file is exchanged, such that at the end of the synchronization process both computer systems of the automatic synchronization process have all the files with the same file names. However, with Internet content, it is quite possible that a file with a same file name will have different content because web pages and the like have been updated. Moreover, there is no disclosure in Haartsen that the automatic synchronization is based on user-defined preferences. In view of this, Applicant respectfully submits that one skilled in the art would not

look to combine Lee and Haartsen and that the present invention would not have been otherwise in view of Lee and Haartsen.

For at least the reasons discussed above with respect to claims 1, 14, 19, and 34 are patentable over Lee in view of Haartsen. Withdrawal of the rejection is respectfully requested.

With respect to claims 3, 16, 21, and 36, these claims set forth that the first wireless transceiver in the automobile receives digital content periodically at times designated according to user-defined preferences input into the computer system. That is, the downloads of digital content are at times specified in the user-defined preferences. There is nothing in Lee that discloses specific times when digital content is to be downloaded because Lee is focused on programming (mainly with respect to the formats of content of files). Also, Haartsen with respect to automatic synchronization does not set forth that automatic synchronization occurs at times based on user preferences. In fact, having specific times is contrary to perform an automatic synchronization which is to occur automatically when the two sides being synched are in communication to each other. In view of this, Applicant respectfully submits that the invention is set forth in claims 3, 16, 21, and 36 is not in obvious view of Lee and Haartsen.

Claims 3-6, 9, 16-18, 21-25, 28, 29, and 36-41 depend, directly or indirectly, from claims 1, 14, 19, and 34, respectively. Therefore, claims 3-6, 9, 16-18, 21-25, 28, 29, and 36-41 are patentable over Lee in view of Haartsen, for at least the reasons discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Claims 2, 15, 20 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Haartsen, Beard, and Boys. Since claims 2, 15, 20 and 35 depend directly or indirectly, from claims 1, 14, 19, and 34, respectively, claims 2, 15, 20, and 35 are patentable over Lee in view of Haartsen, Beard, and Boys for at least the reasons discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Claims 7, 8, 26, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Haartsen, and further in view of MacDonald (U.S. Patent No. 5,371,802). Since claims 7, 8, 26, and 27 depend from claims 1 and 19, respectively, and MacDonald fails to make

up the deficiencies in Lee and Haartsen, claims 7, 8, 26, and 27 are patentable over Lee in view of Haartsen and MacDonald for at least the reasons discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Claims 10 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Haartsen, and further in view of Kikinis (U.S. Patent No. 6,055,566). Since claims 10 and 30 depend from claims 1 and 19, respectively, and Kikinis fails to make up the deficiencies in Lee and Haartsen, claims 10 and 30 are patentable over Lee in view of Haartsen and Kikinis for at least the reasons discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Claims 11 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Haartsen, and further in view of Obradovich (U.S. Patent No. 6,009,355). Since claims 11 and 31 depend from claims 1 and 19, respectively, and Obradovich fails to make up the deficiencies in Lee and Haartsen, claims 11 and 31 are patentable over Lee in view of Haartsen and Obradovich for at least the reasons discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Claims 12, 13, 32, and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Haartsen, and further in view of Berberich (U.S. Patent No. 5,703,734). Since claims 12, 13, 32, and 33 depend from claims 1 and 19, respectively, and Berberich fails to make up the deficiencies in Lee and Haartsen, claims 12, 13, 32, and 33 are patentable over Lee in view of Haartsen and Berberich for at least the reasons discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Claims 42-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Haartsen, and further in view of Beard and Boys. Applicants respectfully traverse the rejections. For at least the reason discussed above with respect to claim 1, claim 42 is patentable over Lee in view of Haartsen, Beard, and Boys. Furthermore, claims 43-44 depend from claim 42, and thus, are patentable over Lee in view of Haartsen, Beard, and Boys for at least the reason discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

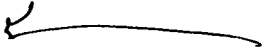
Claim 46 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Haartsen, and further in view of Boys. Applicants respectfully traverse the rejection for at least the reason discussed above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Accordingly, Applicants respectfully submit that the objection and the rejections under 35 U.S.C. §103(a) and §112, second paragraph have been overcome by the amendments and the remarks and withdrawal of these rejections is respectfully requested. Applicants submit that claims 1-41, and 46 as amended are now in condition for allowance and such action is earnestly solicited.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,
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